

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER DARNELL CALDWELL,)	
)	2:04cv1683
Petitioner,)	Electronic Filing
)	
v.)	
)	Judge David S. Cercone
HARRY WILSON; THE DISTRICT)	Magistrate Judge Lisa Pupo Lenihan
ATTORNEY OF ALLEGHENY COUNTY;)	
and THE ATTORNEY GENERAL OF THE)	
PENNSYLVANIA,)	
)	
Respondents.)	

ORDER

The above captioned case was received on November 4, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation filed on October 28, 2005, recommended that the habeas petition filed pursuant 28 U.S.C. § 2254 be dismissed and that a certificate of appealability be denied. The Petitioner was served at S.C.I. Fayette, Box 9999, LaBelle, PA 15450-0999 and on counsel of record for the Respondents. The parties were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. Petitioner filed objections to the report and recommendation on November 7, 2005. Respondents did not file a response to the objections. After review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 15th day of December, 2005;

IT IS HEREBY ORDERED that the Petition filed pursuant 28 U.S.C. § 2254 is
DISMISSED.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED.**

IT IS FURTHER ORDERED that judgment is hereby entered in favor of the
respondents and against the petitioner.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge
Lenihan, dated October 28, 2005, is adopted as the opinion of the court.



David Stewart Cercone
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

CHRISTOPHER DARNELL CALDWELL
BE-2520
SCI Fayette
Box 9999
LaBelle, PA 15450-0999

Ronald M. Wabby, Jr.
Office of the District Attorney
Appeals/Post Conviction
401 Allegheny County Courthouse
Pittsburgh, PA 15219